

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

GWENDOLYN P. MCQUIRTER , et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 2:07-CV-234-MEF-WC
)	
CITY OF MONTGOMERY , et al.,)	
)	
Defendants.)	

DEFENDANTS' MOTION TO BRING IN THIRD PARTY DEFENDANT

COME NOW Defendants City of Montgomery, K.C. Bentley and Ron Cook and move this Honorable Court for leave, as third-party plaintiff, to be caused to be served upon Tiffany Michele Riley and Roosevelt Perkins, a summons and third-party complaint to this action, and state unto the Court as follows:

1. Pursuant to Section 4 of the Uniform Scheduling Order entered by this Court on May 7, 2007 (*Doc. 8*), any motions to amend the pleadings or add parties shall be filed on or before July 16, 2007.
2. Defendants are entitled to recover from Tiffany Riley and Roosevelt Perkins damages regarding the claims of Gwendolyn and Charles McQuirter for the reasons set out in Defendants' Third Party Complaint, a copy of which is attached hereto as Exhibit A.

WHEREFORE, premises considered, Defendants request that the Court grant leave, as third-party plaintiffs to add as third-party defendants, Tiffany Riley and Roosevelt Perkins, for the reasons set forth in the third-party complaint.

Respectfully submitted this the 16th day of July, 2007.

/s/ Kimberly O. Fehl
Kimberly O Fehl (FEH001)

OF COUNSEL:
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CERTIFICATE OF SERVICE

I hereby certify that foregoing has been served upon the following by electronic filing or by
U.S. Mail, postage prepaid on this 16th day of July, 2007:

Jerry M. Blevins, Esq.
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/s/ Kimberly O. Fehl
Of Counsel

**IN THE UNITED STATES DISTRICT COURT
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GWENDOLYN P. MCQUIRTER, and)	
CHARLES E. MCQUIRTER,)	
)	
Plaintiffs,)	
)	
v.)	
)	
CITY OF MONTGOMERY,)	
K.C. BENTLEY, and RON COOK,)	
Defendants and Third-Party Plaintiffs,)	
)	
v.)	Case No. 2:07-CV-234-MEF-WC
)	
TIFFANY MICHELE RILEY, and)	
ROOSEVELT PERKINS,)	
)	
Third-Party Defendants.)	

THIRD PARTY COMPLAINT

1. Plaintiffs Gwendolyn P. McQuirter and Charles E. McQuirter have filed a Second Amended Complaint against Defendant City of Montgomery and added as Defendants, K.C. Bentley and Ron Cook. (*Doc. 11*). Defendants filed an Answer to Plaintiffs' Second Amended Complaint. (*Doc. 14-1*).

2. Third Party Defendant Tiffany Michele Riley is over the age of nineteen and is a resident citizen of Montgomery, Montgomery County, Alabama.

3. Third Party Defendant Roosevelt Perkins is over the age of nineteen and is a resident citizen of Montgomery, Montgomery County, Alabama.

FACTS

4. On or about September 15, 2006, the Montgomery Police Department ("MPD") conducted a prostitution detail in Montgomery, Alabama.

5. As a result of the prostitution detail, ten women were arrested. Tiffany Michele Riley was one of the ten women arrested.

6. During booking and in-processing, Tiffany Riley identified herself to MPD officers as Gwendolyn McQuirter and provided a date of birth and social security number. The address and date of birth given by Tiffany Riley matched those on record for Gwendolyn McQuirter.

7. Tiffany Riley was booked into the Montgomery Municipal Jail under the name of Gwendolyn McQuirter.

8. On or about September 19, 2006, Roosevelt Perkins bonded Tiffany Riley out of the City Jail under the name of Gwendolyn McQuirter.

9. On or about September 20, 2006, Tiffany Riley pled guilty in Municipal Court to the charges of Prostitution and False Statement—Giving False Name to Law Enforcement.

10. The misrepresentation made by Tiffany Riley and Roosevelt Perkins as to the identity of Tiffany Riley being that of Gwendolyn McQuirter were false and they knew they were false which said misrepresentations caused damage to Defendants.

COUNT 1
FRAUD BY TIFFANY RILEY

11. Defendants adopt the allegations of paragraphs 1 through 11 as if fully set forth herein.

12. Tiffany Michele Riley knew her name was not Gwendolyn McQuirter at the time she told MPD officers that she was Gwendolyn McQuirter.

13. Tiffany Riley misrepresented her name, which was a material fact, and did so

willfully to deceive Defendants.

14. Defendants acted on Tiffany Riley's misrepresentation of her identity, to the Defendants' detriment and damage.

COUNT 2
FRAUD BY ROOSEVELT PERKINS

15. Defendants adopt the allegations of paragraphs 1 through 15 as if fully set forth herein.

16. Roosevelt Perkins knew Tiffany Riley's name was not Gwendolyn McQuirter at the time he bonded her out of Montgomery Municipal Jail under the name of Gwendolyn McQuirter.

17. Roosevelt Perkins misrepresented Tiffany Riley's name, which was a material fact, and did so willfully to deceive Defendants.

18. Defendants acted on Roosevelt Perkins' misrepresentation of Tiffany Riley's identity, to the Defendants' detriment and damage.

WHEREFORE, premises considered, Defendants City of Montgomery, K.C. Bentley and Ron Cook demand judgment against Third-Party Defendants Tiffany Michele Riley and Roosevelt Perkins for sums that may be adjudged against Defendants in favor of Plaintiffs Gwendolyn and Charles McQuirter.

Respectfully submitted this 16th day of July 2007.

/s/ Kimberly O. Fehl
Kimberly O. Fehl (FEH001)

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